



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,006	08/26/2003	Sai-Mun Lee	70011377-2	5926

7590 10/28/2005  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER

NADAV, ORI

ART UNIT	PAPER NUMBER
----------	--------------

2811

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/649,006

Applicant(s)

LEE ET AL.

Examiner

Ori Nadav

Art Unit

2811

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
ORI NADAV  
PRIMARY EXAMINER

**DETAILED ACTION*****Response to Arguments***

Applicant argues that the title corresponds to the scope of the currently pending claims, and is therefore descriptive of that which is claimed, and if the examiner would prefer a different title, applicants request that the examiner make a suggestion.

Applicant's title corresponds to any packaging structure and does not necessarily cover the scope of the currently pending claims, and is therefore not descriptive of that which is claimed. An example of an adequate title is "packaging structure having hollow substrate with a recess therein".

Applicant argues that the examiner's indication that the Information Disclosure Statement (IDS) filed on 7/2/2004 fails to comply with 37 CFR 1.98(a)(2) and, as a result, the IDS filed on 7/2/2004 has not been considered contradicts the action of the examiner who was previously assigned to this case, who initialed applicants' Form PT0-1449 on 10/7/2004 to indicate that the references submitted as part of the 7/2/2004 IDS had been considered.

The examiner's indication that the Information Disclosure Statement (IDS) filed on 7/2/2004 fails to comply with 37 CFR 1.98(a)(2) and, as a result, the IDS filed on 7/2/2004 has not been considered does not contradict the action of the examiner who was previously assigned to this case, who initialed applicants' Form PT0-1449 on 10/7/2004 to indicate that the references submitted as part of the 7/2/2004 IDS had been considered. It is possible that, at the time the previous examiner considered the

Art Unit: 2811

IDS filed on 7/2/2004, legible copy of each cited foreign patent document was present in the case. At this time, none of the copies of the cited foreign patent document is present in the case.

Applicant argues that there is support in the specification for a hollow extending from the first side of the substrate to the second side of the substrate, as recited in claim 1, because the specification recites "The hollow within the substrate is made up of a first recess 42, in the first major side 44 and a second recess 48 in the second major side 46 (the underside in the orientation of Figure 2), meeting within the substrate".

The examiner agrees that the specification recites a hollow within the substrate is made up of a first recess and a second recess. However, there is no support in the specification for a hollow [first recess and second recess] extending from the first side of the substrate to the second side of the substrate, as recited in claim 1, because claim 1 already recites a recess [second recess] in the second side of the substrate.

Applicant argues that Nicewarner does not teach a "hollow 22 extending from the first side of the substrate 12 to the second side of the substrate", because the two cavities 18 and 20 of Nicewarner are separated by a partition 21 that is part of substrate 12.

The examiner does not consider cavity 20 as part of the "hollow". Only cavity 18 is considered as part of the "hollow". The second side of substrate 12 is taken to be the lower surface of the layer having sidewalls 60 and 64, and not surface 52. Partition 21

Art Unit: 2811

is therefore located below the second side of the "considered substrate 12". Therefore, Nicewarner teaches a "hollow 22 extending from the first side of the substrate 12 to the second side of the substrate", as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Loke can be reached on 571-272-1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2811

A handwritten signature in black ink, consisting of a stylized 'O' followed by a series of connected loops and a final upward stroke.

O.N.  
10/24/05

ORI NADAV  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2800